

ADVISORY REDISTRICTING COMMITTEE

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rebecca Chavez-Houck

Senate Sponsor: _____

LONG TITLE**General Description:**

This bill modifies the Election Code to establish the Bipartisan Redistricting Commission.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ establishes the Bipartisan Redistricting Commission, which is composed of citizens;
- ▶ requires that redistricting occur only:
 - every ten years after the decennial census; or
 - in association with a change in the number of congressional or legislative seats for a reason other than the decennial census;
- ▶ establishes the membership requirements and procedures for the commission;
- ▶ provides for the replacement and compensation of members;
- ▶ requires the commission to prepare an advisory redistricting plan for presentation to the Legislature;
- ▶ provides factors for the commission's consideration when preparing an advisory redistricting plan;
- ▶ requires the creation of a neutral and uniform scoring matrix against which to measure a redistricting plan;
- ▶ provides that technical staff for the commission be provided by the Office of



Legislative Research and General Counsel;

- ▶ permits the commission to hire its own legal counsel, executive director, and other staff, and to incur reasonable expenses within the commission's budget and duties;

- ▶ requires the commission to adopt a draft advisory redistricting plan and permits draft alternative advisory redistricting plans to be considered by the commission;

- ▶ requires the commission to hold public hearings on the draft advisory redistricting plan and any alternative draft advisory redistricting plans adopted by the commission;

- ▶ requires the commission to adopt a final advisory redistricting plan and request that the plan be submitted to the Legislature for the Legislature's consideration; and

- ▶ provides a severability clause.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

20A-16-101, Utah Code Annotated 1953

20A-16-102, Utah Code Annotated 1953

20A-16-103, Utah Code Annotated 1953

20A-16-104, Utah Code Annotated 1953

20A-16-105, Utah Code Annotated 1953

20A-16-106, Utah Code Annotated 1953

20A-16-107, Utah Code Annotated 1953

20A-16-108, Utah Code Annotated 1953

20A-16-109, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **20A-16-101** is enacted to read:

CHAPTER 16. BIPARTISAN REDISTRICTING COMMISSION

Part 1. Bipartisan Redistricting Commission

20A-16-101. Title.

This chapter is known as the "Bipartisan Redistricting Commission."

Section 2. Section **20A-16-102** is enacted to read:

20A-16-102. Definitions.

As used in this chapter:

(1) "Bipartisan" means equal representation by citizen members of the Republican and Democratic party on the commission.

(2) "District" means the geographic area of a public office from which a candidate is elected.

(3) "Federal decennial census" means the enumeration of the population of the United States as required by the United States Constitution.

(4) "Gerrymandering" means the manipulation of district boundaries for political advantage.

(5) "Redistricting" means the process by which the state is divided into districts.

Section 3. Section **20A-16-103** is enacted to read:

20A-16-103. Timing of redistricting.

(1) In accordance with Utah Constitution Article IX, Section 1, the Legislature shall divide the state into congressional, legislative, and other districts at the annual general session next following the Legislature's receipt of the results of an enumeration made by the authority of the United States.

(2) Redistricting may occur only at the following times:

(a) every ten years, in the year following the federal decennial census; and

(b) in association with a change in the number of congressional or legislative districts that results from an event other than the federal decennial census.

Section 4. Section **20A-16-104** is enacted to read:

20A-16-104. Bipartisan Redistricting Commission -- Creation -- Appointment -- Requirements for commission members.

(1) There is created the Bipartisan Redistricting Commission which shall prepare an advisory redistricting plan for submittal to the Legislature.

(2) (a) The commission shall:

(i) consist of nine members, appointed as provided in Subsection (2)(b); and

90 (ii) be reconstituted in connection with each redistricting, consistent with the
91 provisions of Section 20A-16-103.

92 (b) (i) On or before January 31 of the year following the federal decennial census or
93 within 30 days after an event other than the federal decennial census that changes the number
94 of congressional or legislative districts:

95 (A) two members shall be appointed by the president of the Senate;

96 (B) two members shall be appointed by the speaker of the House of Representatives;

97 (C) two members shall be appointed by the leader of the minority party in the Senate;

98 (D) two members shall be appointed by the leader of the minority party in the House of
99 Representatives; and

100 (E) one member shall be appointed under Subsection (2)(b)(ii)(C).

101 (ii) (A) The four members appointed under Subsections (2)(b)(i)(A) and (B) shall
102 select one among them to be a vice chair of the commission.

103 (B) The four members appointed under Subsections (2)(b)(i)(C) and (D) shall select
104 one among them to be a vice chair of the commission.

105 (C) The two vice chairs selected under Subsections (2)(b)(ii)(A) and (B) shall appoint a
106 ninth member of the commission who shall be chair of the commission.

107 (3) (a) At the time of appointment, each commission member shall:

108 (i) be a citizen of the United States;

109 (ii) be at least 25 years of age; and

110 (iii) have been a resident of the state for at least three consecutive years immediately
111 before appointment.

112 (b) The following persons may not be appointed to or serve on the commission:

113 (i) a person who holds an elected or appointed public office;

114 (ii) a lobbyist as defined in Section 36-11-102; or

115 (iii) a principal as defined in Section 36-11-102.

116 (4) A person who serves as a member of the commission may not seek election to or
117 hold any of the offices for which the commission establishes districts under Subsection (1)
118 until after the completion of the first election for that office that follows the adoption of a
119 redistricting plan by the commission of which the person was a member.

120 (5) When a vacancy occurs in the membership of the commission for any reason, the

vacancy shall be filled, within 14 days of the date of the vacancy, in the same manner as the appointment of the original member.

(6) (a) Except as specifically required elsewhere in this chapter, attendance of a majority of the members of the commission shall constitute a quorum for the conducting of business and the taking of official action.

(b) The commission shall meet upon the request of the chair or a majority of the members of the commission.

(7) (a) Members shall not receive compensation or benefits for their services, but commission members who are not government employees may receive per diem and expenses incurred in the performance of the members' official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(b) A commission member may decline to receive per diem and expenses for service to the commission.

Section 5. Section **20A-16-105** is enacted to read:

20A-16-105. Duties of commission -- Standards for preparation of advisory redistricting plans -- Staff.

(1) The commission shall prepare a draft advisory redistricting plan that divides the state into single member districts for each congressional, state House, state Senate, and state school board district consistent with the provisions of Section 20A-16-103.

(2) In preparing a draft, alternative, or final advisory redistricting plan as required by this chapter, the commission shall do the following:

(a) at the commencement of the mapping process for both the congressional and legislative districts, initially create districts of roughly equal population across the state; and

(b) adjust the districts as necessary to accommodate, to the extent practicable, the following goals:

(i) complying with the requirements of the United States Constitution, the Utah State Constitution, and applicable provisions of the Voting Rights Act, 42 U.S.C. 1973, et seq.;

(ii) equalizing population between districts, using the most recent population data as reported in the official federal census data;

(iii) creating contiguous and reasonably compact districts;

(iv) utilizing existing political boundaries and census tracts in the creation of district

boundaries;

(v) preserving communities of common interest, including cultural, demographic, economic, ethnic, geographic, and trade area factors;

(vi) utilizing natural and geographic boundaries and barriers in the creation of district boundaries; and

(vii) promoting competitiveness and partisan fairness, if the promotion creates no significant detriment to the goals listed above.

(3) (a) The commission shall create a neutral and uniform scoring matrix to be applied to each draft plan to achieve the best redistricting plan based on defined criteria, which shall forbid unlawful discrimination against any person, group, or political party.

(b) The redistricting plan receiving the highest score under Subsection (3)(a) shall be considered the best redistricting plan to be submitted to the governor, lieutenant governor, and Legislature.

(4) (a) The Office of Legislative Research and General Counsel shall provide the technical staff for the commission.

(b) Upon a majority vote of the members of the commission, the commission may:

(i) employ an executive director, legal counsel, and other staff to assist the commission; and

(ii) incur other reasonable expenses within the authorized budget of the commission and consistent with the commission's duties.

Section 6. Section **20A-16-106** is enacted to read:

20A-16-106. Preparation and adoption of draft advisory redistricting plan -- Alternative advisory redistricting plans.

(1) The commission shall prepare and, by the affirmative vote of a majority of the members of the commission, adopt a draft advisory redistricting plan within 150 days after the later of:

(a) the date that the federal decennial census data are available to the public; and

(b) the date the commission is constituted under Section 20A-16-104.

(2) (a) In addition to the draft advisory redistricting plan, a commission member may introduce one or more draft alternative redistricting plans for consideration by the commission in accordance with the scoring matrix required by Section 20A-16-105.

(b) The commission, by a majority vote, may authorize one or more draft alternative advisory redistricting plans to be presented as alternatives to the draft advisory redistricting plan during the public hearings provided for in Section 20A-16-107.

Section 7. Section **20A-16-107** is enacted to read:

20A-16-107. Public hearings -- Timing and locations -- Public notice.

(1) In addition to the provisions of this section, the commission is subject to Title 52, Chapter 4, Open and Public Meetings Act.

(2) (a) Within 14 days after the date of adopting a draft advisory redistricting plan, the commission shall hold the first of no less than seven public hearings throughout Utah as follows:

(i) one in the Bear River region -- Box Elder, Cache, or Rich County;

(ii) one in the Southwest region -- Beaver, Garfield, Iron, Kane, or Washington County;

(iii) one in the Mountain region -- Summit, Utah, or Wasatch County;

(iv) one in the Central region -- Juab, Millard, Piute, Sanpete, Sevier, or Wayne County;

(v) one in the Southeast region -- Carbon, Emery, Grand, or San Juan County;

(vi) one in the Uintah Basin region -- Daggett, Duchesne, or Uintah County; and

(vii) one in the Wasatch Front region -- Davis, Morgan, Salt Lake, Tooele, or Weber County.

(b) At least two meetings must be held in a first or second class county, but the meetings may not be held in the same county.

(c) In accordance with this section the number and location of the public hearings shall be determined by a majority vote of the commission.

(d) Subject to Subsection (2)(e), public hearings may be held in the order and on a schedule adopted by a majority vote of the commission.

(e) The last public hearing shall be completed within 190 days after the later of:

(i) the date that the decennial enumeration data are available to the public; and

(ii) the date the commission is constituted under Section 20A-16-104.

(3) At least three calendar days before the date of each public hearing, the commission shall:

214 (a) provide written notice of the public hearing to:
215 (i) the lieutenant governor for posting on the state's website; and
216 (ii) each state senator, state representative, and county commission or county council
217 member who is elected in whole or in part from the region where the public hearing will be
218 held; and
219 (b) publish written notice of the public hearing detailing its time, date, and location in
220 at least one newspaper of general circulation in each county in the region where the public
221 hearing will be held.
222 (4) (a) During the public hearing, the commission shall either:
223 (i) record the public hearing, by video and audio, or by audio only, and deposit a
224 complete copy of the recording of the meeting with the Division of Archives and Records
225 Services within seven days after the date of the meeting; or
226 (ii) take comprehensive minutes of the public hearing, detailing the names and titles of
227 each speaker and summarizing each speaker's comments.
228 (b) During each public hearing, the commission shall accept written comments from
229 the public.
230 (c) The Division of Archives and Records Services shall make copies of the written
231 comments and the recordings or minutes available to the public.
232 (5) Notwithstanding Subsection 20A-16-104(6), public hearings may be held by the
233 commission with less than a quorum present, however, at least four members of the
234 commission shall attend each public hearing.
235 Section 8. Section **20A-16-108** is enacted to read:
236 **20A-16-108. Final advisory redistricting plan -- Resolution for submission to**
237 **Legislature.**
238 (1) (a) After completion of the public hearings, the commission shall prepare and adopt
239 a final advisory redistricting plan.
240 (b) In preparing the final advisory redistricting plan, the commission shall:
241 (i) review the following:
242 (A) the written comments and the records or minutes of the public hearings;
243 (B) the draft advisory redistricting plan; and
244 (C) as applicable, any draft alternative advisory redistricting plan; and

(ii) adopt a final advisory redistricting plan by adopting:

(A) the draft advisory redistricting plan;

(B) a draft alternative advisory redistricting plan; or

(C) a new plan that is prepared according to the requirements of Subsection 20A-16-105(2).

(2) The commission shall complete the process of adopting a final advisory redistricting plan on or before November 30 of the year following the federal decennial census, but no earlier than the third Tuesday after the first Monday in November.

(3) Adoption of the final advisory redistricting plan requires the affirmative vote of at least six members of the commission.

(4) After adoption of the final advisory redistricting plan, the commission shall, by the affirmative vote of at least six members of the commission, adopt a resolution that:

(a) states that a final advisory redistricting plan has been adopted by the commission;

(b) requests that the lieutenant governor recommend that the governor call the Legislature into special session to adopt the final advisory redistricting plan; and

(c) designates a member of each house of the Legislature as the commission's preferred sponsor of legislation to submit the plan to the Legislature.

Section 9. Section **20A-16-109** is enacted to read:

20A-16-109. Severability.

If any word, phrase, sentence, or section of this chapter or its application to any person or circumstance is determined to be invalid, the invalidity does not affect other provisions or applications of this chapter that can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

Legislative Review Note

as of 12-18-08 6:54 AM

Office of Legislative Research and General Counsel

H.B. 172 - Advisory Redistricting Committee

Fiscal Note

2009 General Session

State of Utah

State Impact

Enactment of this bill will require \$800 one-time to the Division of State Archives to purchase software and licensing for electronic recordings and \$200 ongoing to the Division of State Archives for storage and access costs to make recordings available to the public. Enactment of this bill will further require an appropriation of \$253,000 one-time to the Office of Legislative Research and General Counsel in FY 2010 for analyst and legal services.

	<u>2009</u> <u>Approp.</u>	<u>2010</u> <u>Approp.</u>	<u>2011</u> <u>Approp.</u>	<u>2009</u> <u>Revenue</u>	<u>2010</u> <u>Revenue</u>	<u>2011</u> <u>Revenue</u>
General Fund	\$0	\$200	\$200	\$0	\$0	\$0
General Fund, One-Time	\$0	\$253,800	\$0	\$0	\$0	\$0
Total	\$0	\$254,000	\$200	\$0	\$0	\$0

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.